

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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GEORGE ANTON JACHOWDIK,

Plaintiff,

-against-

COMMISSIONER OF SOCIAL SECURITY,

Defendant.  
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**AZRACK, United States District Judge:**

For Online Publication Only

**ORDER**

18-CV-2361 (JMA) (AKT)

**FILED  
CLERK**

2:45 pm, May 11, 2021

**U.S. DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK  
LONG ISLAND OFFICE**

Plaintiff, George Anton Jachowdik (“Plaintiff”), commenced this action on April 23, 2018, pursuant to the Social Security Act, 42 U.S.C. § 405(g) et seq., against Defendant Nancy A. Berryhill, in her capacity as Acting Commissioner of the Social Security Administration (the “Commissioner” or “Defendant”). (ECF No. 1.) Plaintiff appealed the final administrative decision of the Commissioner denying his request for disability benefits. The parties filed cross-motions for judgment on the pleadings. (ECF Nos. 14, 22.) On December 21, 2020, this Court referred the motions to Magistrate Judge A. Kathleen Tomlinson for a Report and Recommendation (“R&R”). (Electronic Order, 12/21/2021.) On March 22, 2021, Judge Tomlinson issued an R&R recommending that Plaintiff’s motion for judgment on the pleadings be denied and that Defendant’s motion for judgment on the pleadings be granted. (ECF No. 25.)

In reviewing a magistrate judge’s report and recommendation, the court must “make a de novo determination of those portions of the report or . . . recommendations to which objection[s][are] made.” 28 U.S.C. § 636(b)(1)(C); see also Brown v. Ebert, No. 05–CV–5579, 2006 WL 3851152, at \*2 (S.D.N.Y. Dec. 29, 2006). The court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. §

636(b)(1)(C). Those portions of a report and recommendation to which there is no specific reasoned objection are reviewed for clear error. See Pall Corp. v. Entegris, Inc., 249 F.R.D. 48, 51 (E.D.N.Y. 2008).

To date, no objections have been filed to the R&R and the deadline for filing any such objections has passed.

I have reviewed Judge Tomlinson's R&R for clear error, and finding none, I adopt the R&R in its entirety as the opinion of this Court. Accordingly, Plaintiff's motion for judgment on the pleadings is **DENIED** and Defendant's motion for judgment on the pleadings is **GRANTED**.

The Clerk of the Court is directed to enter judgment accordingly.

**SO ORDERED.**

Dated: May 11, 2021  
Central Islip, New York

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/s/ (JMA)  
JOAN M. AZRACK  
UNITED STATES DISTRICT JUDGE